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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ELIZABETH L. HOPKINSON,)	
)	
Plaintiff,)	
)	
v.)	No. 08CV3303
)	Judge Gottschall
PHILLIP G. GILLESPIE,)	Magistrate Judge Cole
)	
Defendant.)	
-----)	
PHILLIP G. GILLESPIE,)	
)	
Third-Party Plaintiff,)	
)	
v.)	
)	
DANIELLE S. DEPAOLA,)	
)	
Third-Party Defendant.)	

THIRD-PARTY COMPLAINT

NOW COMES the defendant/third-party plaintiff, PHILLIP G. GILLESPIE, by and through his attorney, Michael R. LaBarge of LaBarge, Campbell & Lyon, LLC, and for his Third-Party Complaint against DANIELLE S. DEPAOLA, states as follows:

PARTIES

1. Plaintiff ELIZABETH L. HOPKINSON filed a complaint on June 9, 2008 against defendant PHILLIP G. GILLESPIE, captioned 08 CV 3303, in the United States District Court for the Northern District of Illinois, Eastern Division, seeking damages for injuries allegedly sustained on June 14, 2006 during a motor vehicle accident. (See plaintiff's Complaint at Law, attached hereto as Exhibit A.)

2. Defendant PHILLIP G. GILLESPIE, has filed his answer to plaintiff's Complaint at Law denying all substantive allegations. (See defendant's Answer to plaintiff's Complaint at Law, attached hereto as Exhibit B.)

3. Third-party defendant, DANIELLE S. DEPAOLA, an individual, is a citizen of the State of Illinois.

4. Defendant/third-party plaintiff, PHILLIP G. GILLESPIE, an individual, is a citizen of the State of Georgia.

JURISDICTION

5. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. §1332(a)(1) because the defendant/third-party plaintiff and the third-party defendant are citizens of different states, and the plaintiff, ELIZABETH L. HOPKINSON, has alleged that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

FACTS

6. On June 14, 2006, the third-party defendant, DANIELLE S. DEPAOLA, owned, operated, managed, maintained and controlled a motor vehicle in an eastbound direction on Army Trail Road at or near its intersection with Schmale Road, in the City of Bloomingdale, County of DuPage, and State of Illinois,

7. At the time and place alleged, the plaintiff, ELIZABETH L. HOPKINSON, claims that she was a passenger traveling in the vehicle owned, operated, managed, maintained and controlled by third-party defendant, DANIELLE S. DEPAOLA.

8. At the time and place alleged, the vehicle owned, operated, managed, maintained and controlled by third-party defendant, DANIELLE S. DEPAOLA, collided with a vehicle operated by the defendant/third-party plaintiff, PHILLIP G. GILLESPIE.

9. DANIELLE S. DEPAOLA had the duty to exercise ordinary and reasonable care in the operation of her motor vehicle to avoid injury to other persons and property upon the roadway.

10. At the time and place alleged, DANIELLE S. DEPAOLA was guilty of one or more of the following negligent and careless acts and/or omissions:

- a. Failed to maintain a proper lookout;
- b. Failed to change the course of her automobile or to reduce her speed so as to avoid a collision;
- c. Failed to keep her vehicle under proper control;
- d. Operated her vehicle at a speed that was unreasonable for the conditions;
- e. Was otherwise careless and/or negligent.

11. As a direct and proximate result of one or more of the aforementioned violations committed by DANIELLE S. DEPAOLA, the plaintiff, ELIZABETH L. HOPKINSON suffered the alleged injuries and damages stated in the plaintiff's Complaint at Law.

12. In the event PHILLIP G. GILLESPIE is found liable to the plaintiff, ELIZABETH L. HOPKINSON, which liability the defendant has denied and continues to deny, then PHILLIP G. GILLESPIE is entitled to contribution from third-party defendant, DANIELLE S. DEPAOLA, pursuant to the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/1, *et seq.*, based upon the percentage to which the liability or fault of said third-party defendant caused or contributed to cause the plaintiff's alleged injuries or damages.

WHEREFORE, the defendant/third-party plaintiff, PHILLIP G. GILLESPIE, requests that in the event judgment is entered in favor of the plaintiff, ELIZABETH L. HOPKINSON, and against the defendant, that this Court also enters judgment in favor of the defendant/third-

party plaintiff and against the third-party defendant, DANIELLE S. DEPAOLA, for her proportionate share of the judgment.

DEFENDANT/THIRD-PARTY PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully submitted,

/s/ Michael R. LaBarge

MICHAEL R. LaBARGE

LaBarge Campbell & Lyon, LLC
Attorneys for Defendant/Third-Party Plaintiff
200 West Jackson Boulevard
Suite 2050
Chicago, Illinois 60606
312-580-9010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ELIZABETH L. HOPKINSON,

Plaintiff,

-vs-

PHILLIP G. GILLESPIE,

Defendant.

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FILED: JUNE 9 , 2008

08CV3303

JUDGE GOTTSCHALL

MAGISTRATE JUDGE COLE

NF

No

COMPLAINT AT LAW

NOW COMES the Plaintiff, ELIZABETH L. HOPKINSON, by and through her attorneys, O'REILLY LAW OFFICES, and complaining of the Defendant, PHILLIP G. GILLESPIE, and states as follows:

PARTIES

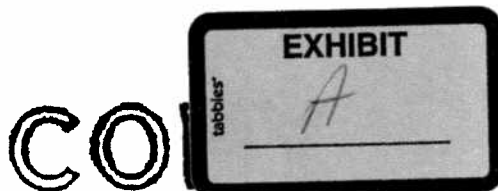
1. The Plaintiff, Elizabeth Hopkinson, an individual, is a citizen of the State of Illinois.
2. The Defendant, Phillip Gillespie, an individual, is a citizen of the State of Georgia.

Defendant may be served with process at 719 Whitehead Road, Athens, Georgia, 30606.

JURISDICTION

3. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and the Plaintiff and Defendant are citizens of different States.

VENUE



4. Venue is proper in the District Court for the northern District of Illinois because the Plaintiff resides within the geographical boundaries of the Northern District of Illinois and the subject incident occurred within the geographical boundaries of the Northern District of Illinois.

FACTS

5. On June 14, 2006, the Plaintiff, Elizabeth Hopkinson, was a passenger traveling in a motor vehicle being operated by Danielle DePaola, which was proceeding eastbound on Army Trail Road at or near its intersection with Schmale Road, in the City of Bloomingdale, County of DuPage, and State of Illinois.

6. At the time and place alleged, the Defendant, Phillip Gillespie, owned, operated, managed, maintained and controlled his semi tractor-trailer northbound on Schmale Road at or near its intersection with Army Trail Road in the City of Bloomingdale, County of DuPage, and State of Illinois.

7. At all times relevant herein, the Defendant, Phillip Gillespie, owed the Plaintiff, and others on the roadway, the duty to operate, manage, maintain, and control his semi tractor-trailer with due care and in a reasonably safe manner so as not to cause injury to the Plaintiff.

8. At the time and place alleged, the Defendant, Phillip Gillespie, operated his semi tractor-trailer in a manner so as to cause it to enter the eastbound lane of traffic on Army Trail Road and collide with the front passenger side of the vehicle in which the Plaintiff was traveling.

9. On June 14, 2006, the Defendant breached his duty through one or more of the following negligent acts or omissions:

- (a) Operated his motor vehicle without a proper and sufficient lookout;

- (b) Failed to stop his semi tractor-trailer at a red light in violation of the Illinois Rules of the Road;
- (c) Disobeyed a traffic control sign clearly posted at the time and place alleged which prohibited vehicles from making right hand turns on a red light in violation of the Illinois Rules of the Road;
- (d) Failed to yield the right of way to the operator of the vehicle in which Plaintiff was a passenger in violation of the Illinois Rules of the Road;
- (e) Failed to reduce speed to avoid a collision in violation of the Illinois Rules of the Road;
- (f) Failed to equip said vehicle with adequate brakes;
- (g) Failed to obey posted traffic signs in violation of the Illinois Rules of the Road;
- (h) Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway;
- (i) Failed to maintain proper control of his vehicle;
- (j) Failed to give audible warning with his horn when such warning was reasonably necessary to ensure safety;
- (k) Otherwise violated the Illinois Rules of the Road; and/or
- (l) Was otherwise negligent in the operation, management, maintenance, and control of his vehicle;

6. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the Defendant, Phillip Gillespie's motor vehicle struck the vehicle in which the Plaintiff was traveling which in turn caused the Plaintiff to suffer injuries of a personal and pecuniary nature.

JURY DEMAND

7. Plaintiff, Elizabeth L. Hopkinson, demands trial by jury.

WHEREFORE, the Plaintiff, ELIZABETH L. HOPKINSON, respectfully requests that this Honorable Court enter judgment in her favor and against the Defendant, PHILLIP G. GILLESPIE, in an amount to exceed \$75,000 (Seventy-Five Thousand Dollars) plus costs of litigation.

Dated: 06/06/08

By: /s/ John F. O'Reilly
O'REILLY LAW OFFICES
Attorneys for Plaintiff
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Attorney No. 6209668
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#06183284

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ELIZABETH L. HOPKINSON,

Plaintiff,

V.

PHILLIP G. GILLESPIE,

Defendant.

No. 08CV3303

Judge Gottschall

Magistrate Judge Cole

ANSWER TO COMPLAINT AT LAW

NOW COMES the defendant, PHILLIP G. GILLESPIE, by and through his attorney, Michael R. LaBarge of LaBarge, Campbell & Lyon, LLC, and in answer to the plaintiff's complaint at law, states the following:

PARTIES

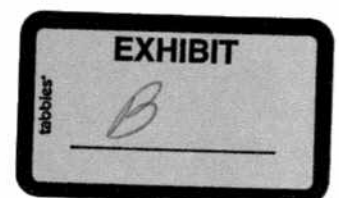
1. The plaintiff, Elizabeth Hopkinson, an individual, is a citizen of the State of Illinois.

ANSWER: The defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained within Paragraph 1.

2. The defendant, Phillip Gillespie, an individual, is a citizen of the State of Georgia.

Defendant may be served with process at 719 Whitehead Road, Athens, Georgia 30606.

ANSWER: The defendant admits the allegations contained within Paragraph 2.



JURISDICTION

3. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. §1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and the plaintiff and defendant are citizens of different states.

ANSWER: The defendant admits the existence of said statute and admits diversity of citizenship. The defendant denies that the plaintiff is entitled to recover a sum in excess of \$75,000.

4. Venue is proper in the District Court for the Northern District of Illinois because the plaintiff resides within the geographical boundaries of the Northern District of Illinois and the subject incident occurred within the geographical boundaries of the Northern District of Illinois.

ANSWER: The defendant admits that venue is proper.

FACTS

5. On June 14, 2006, the plaintiff, Elizabeth Hopkinson, was a passenger traveling in a motor vehicle being operated by Danielle DePaola, which was proceeding eastbound on Army Trail Road at or near its intersection with Schmale Road, in the City of Bloomingdale, County of DuPage, State of Illinois.

ANSWER: The defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained within Paragraph 5.

6. At the time and place alleged, the defendant, Phillip Gillespie, owned, operated, managed, maintained and controlled his semi tractor-trailer on Schmale Road at or near its intersection with Army Trail Road in the City of Bloomingdale, County of DuPage, and State of Illinois.

ANSWER: The defendant admits that he operated said vehicle at the time and place alleged.

7. At all times relevant herein, the defendant, Phillip Gillespie, owed the plaintiff, and others on the roadway, the duty to operate, manage, maintain and control his semi tractor-trailer with due care and in a reasonably safe manner so as not to cause injury to the plaintiff.

ANSWER: The defendant admits only to those duties imposed upon him by law and denies all other allegations with respect to duty.

8. At the time and place alleged, the defendant, Phillip Gillespie, operated his semi tractor-trailer in a manner so as to cause it to enter the eastbound lane of traffic on Army Trail Road and collide with the front passenger side of the vehicle in which plaintiff was traveling.

ANSWER: The defendant admits that contact occurred between said vehicles at the time and place alleged; however, the defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained within Paragraph 8.

9. On June 14, 2006, the defendant breached his duty through one or more of the following negligent acts or omissions:

- (a) Operated his motor vehicle without a proper and sufficient lookout;
- (b) Failed to stop his semi tractor-trailer at a red light in violation of the Illinois Rules of the Road;
- (c) Disobeyed a traffic control sign clearly posted at the time and place alleged which prohibited vehicles from making right-hand turns on a red light in violation of the Illinois Rules of the Road;
- (d) Failed to yield the right of way to the operator of the vehicle in which plaintiff was a passenger in violation of the Illinois Rules of the Road;
- (e) Failed to reduce speed to avoid a collision in violation of the Illinois Rules of the Road;

- (f) Failed to equip said vehicle with adequate brakes;
- (g) Failed to obey posted traffic signs in violation of the Illinois Rules of the Road;
- (h) Proceeded at a speed which was greater than reasonable and proper with regard to traffic conditions and the use of the highway;
- (i) Failed to maintain proper control of his vehicle;
- (j) Failed to give audible warning with his horn when such warning was reasonably necessary to ensure safety;
- (k) Otherwise violated the Illinois Rules of the Road; and/or
- (l) Was otherwise negligent in the operation, management, maintenance and control of his vehicle.

ANSWER: The defendant denies the allegations contained in Paragraph 9, including Subparagraphs (a) through (l), inclusive.

6. [sic] As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the defendant, Phillip Gillespie's motor vehicle struck the vehicle in which the plaintiff was traveling which in turn caused the plaintiff to suffer injuries of a personal and pecuniary nature.

ANSWER: The defendant admits that contact occurred between said vehicles but denies all remaining allegations contained in Paragraph 6 [sic], and further denies that the plaintiff was injured in the manner and to the extent alleged.

JURY DEMAND

7. [sic] Plaintiff, Elizabeth Hopkinson, demands trial by jury.

ANSWER: The defendant, PHILLIP G. GILLESPIE, demands trial by jury.

WHEREFORE, the defendant, PHILLIP G. GILLESPIE, by and through his attorneys, LaBARGE, CAMPBELL & LYON, L.L.C., denies that the plaintiff, ELIZABETH HOPKINSON, is entitled to judgment against him in any amount whatsoever.

Respectfully submitted,

/s/ Michael R. LaBarge

MICHAEL R. LaBARGE

LaBARGE CAMPBELL & LYON, LLC
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